IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3533 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

VINUBHAI PRANBHAI PATEL

Versus

RATNAMANI METALS & TUBES LTD.

Appearance:

1. Special Civil Application No. 3533 of 2002

MR TR MISHRA for Petitioner No. 1

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 27/03/2002

ORAL JUDGEMENT

After the matter being argued at length, the grievance of the petitioner was stated to be confined to the submission that Labour Court, Kalol was not hearing and disposing of the application of the petitioner for

interim relief, pending disposal of the main reference. Learned Counsel Mr. Mishra vehemently argued that in view of the Constitution Bench judgement of the Supreme Court in Jaipur Zilla Sahkari Bhoomi Vikas Bank Ltd. Vs. Shri Ram Gopal Sharma and ors., reported in 2002 (92) FLR 667, and the clear fact of the respondent having filed and withdrawn the approval application, the petitioner was entitled to full wages. However, even the application for subsistence allowance by way of interim relief was not being heard and disposed of by the Labour Court. He also submitted that in case of necessity, the petitioner shall file appropriate application under Section 33-A of the Industrial Disputes Act, but at present the question was that of the petitioner's subsistance and survival.

2. The application for interim relief in question appears to have been filed in Sept. 2001, but it is not clear as to why the same is not heard and disposed of so far. Under the express provisions of the Industrial Disputes Act, even the main reference is required to be heard expeditiously and in case of the proceedings being prolonged beyond the prescribed time limit, the Labour Court is required to record reasons for granting adjournment during hearing of the case. On the other hand, no data is made available as regards the docket position and pressure of work, particularly of the matters pending since much longer period. Therefore, it is neither expedient, nor advisable to order the Court of competent jurisdiction to give any special priority to a matter. However, the anxiety and the difficulty of the petitioner can be appreciated and since no adverse order is being passed against the respondent, without issuing notice, the Labour Court can be directed to give due priority to the application of the petitioner in the facts and circumstances of the case.

3. Accordingly, without entering into the merits and maintainability of the application, it is observed that the Labour Court concerned may give due priority to the application of the petitioner for interim relief which is pending before it in Reference LCK No. 359 of 1998. With the above observations, the petition is dismissed `in limine'.

Direct service is permitted.

(D.H.Waghela,J.)

*/Mohandas